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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 15 0489 RS
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER TO
)	CONTINUE STATUS HEARING AND
v.)	EXCLUDE TIME FROM OTHERWISE
)	APPLICABLE SPEEDY TRIAL ACT
DOUGLAS LEE SMITH,)	CALCULATION
)	
Defendant.)	
)	
)	
)	

STIPULATION

IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

1. The parties appeared in magistrate Court on November 10, 2016 at 9:30 a.m. for appointment of counsel. The court appointed Ethan Balogh to represent Mr. Smith. Assistant United States Attorney Sarah Hawkins appeared for the Government.

2. The case is currently set for Initial Appearance for December 7, 2016 before Judge Seeborg.

3. Counsel for the Government is unavailable for the December 7, 2016 initial appearance. Accordingly, the parties jointly request that the initial appearance be continued to December 13, 2016 at

1 2:30 p.m.

2 4. The parties further respectfully submit and agree that the period from December 7, 2016
3 through and including December 13, 2016 should be excluded from the otherwise applicable Speedy
4 Trial Act computation because the continuance is necessary for effective preparation of counsel, taking
5 into account the exercise of due diligence.

6 5. The parties concur that granting the exclusion would allow the reasonable time necessary
7 for effective preparation of counsel and continuity of counsel. *See* 18 U.S.C. §3161(h)(7)(B)(iv). The
8 parties also agree that the ends of justice served by granting such an exclusion of time for the purposes
9 of effective preparation of counsel outweigh the best interests of the public and the defendant in a
10 speedy trial. 18 U.S.C. § 3161(h)(7)(A).

11
12 IT IS SO STIPULATED.

13
14 DATED: December 5, 2016

BRIAN J. STRETCH
United States Attorney

15
16 /s/
SARAH HAWKINS
17 Assistant United States Attorney

18
19 DATED: December 5, 2016

20 /s/
ETHAN A. BALOGH
21 Counsel for Douglas Smith

~~PROPOSED~~ ORDER

Based upon the above-described Stipulation, THE COURT FINDS THAT the ends of justice served by granting a continuance from December 7, 2016 to December 13, 2016 outweigh the best interest of the public and the defendant in a speedy trial, and that failure to grant such a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.


Accordingly, THE COURT ORDERS THAT:

1. The parties shall appear before the Court on December 13, 2016 at 2:30 p.m. for an initial appearance.

2. The period from December 7, 2016 through and including December 13, 2016 is excluded from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO ORDERED.

DATED: 12/5/16


HON. RICHARD SEEBORG
United States District Judge